REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	25 September 1998
Name of applicant/court:	The District Court at Wellington
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Fe06_003.jpg
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Computer Photographic Image
Country of Origin:	Not Applicable
Language:	Not Applicable

Components of film originally examined:

Feature:	Not Applicable	Running time:
Trailers:		Running time:
		Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

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Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on Not Applicable

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SUMMARY OF THE REASONS FOR DECISION:

The computer photographic image entitled *Fe06_003.jpg* is classified as: Objectionable.

The computer image exploits the nudity of a child to such an extent as to render the publication objectionable. The image depicts a naked girl who is perhaps 12 years of age. She faces the viewer so that her naked breasts and pubic area are fully visible. Her expression is relaxed and her stance is confident. The dominant effect is of the girl displaying her body to the viewer. The format of the image, as a computer image file, is a significant consideration in coming to this determination, as computer technology allows easy reproduction and distribution of such files via national and international telecommunications networks. Images similar in character to this image are said to have been found in the same computer. Given all of these characteristics, the Classification Office is of the opinion that the image is likely to be used for the sexual gratification of adults with a sexual interest in children.

Consideration has been given to the relevant provisions of the New Zealand Bill of Rights Act 1990 as they relate to this publication. The Classification Office considers that the availability of the computer image is likely to be injurious to the public good due to the extent to which and manner in which the image exploits the nudity of a child. The limit on the freedom of expression resulting from this classification is considered to be reasonable and demonstrably justified, given the objective of preventing harm to the public good. A less restrictive classification, such as making the publication available only to adults, would not mitigate the exploitation of children's nudity for the apparent purpose of gratifying adult viewers who are titillated or stimulated by such images.

OFLC Ref: 9800356